

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**IN RE: YASMIN AND YAZ
(DROSPIRENONE) MARKETING, SALES
PRACTICES AND PRODUCTS LIABILITY
LITIGATION**

)
) **3:09-md-02100-DRH-PMF**
)
) **MDL No. 2100**
)

This Document Relates to:

<i>Shawna McDaniels v. Bayer HealthCare Pharmaceuticals Inc., et al.</i>	No. 3:11-cv-11484-DRH-PMF
<i>Rita McDonough v. Bayer HealthCare Pharmaceuticals Inc., et al.</i>	No. 3:11-cv-13078-DRH-PMF
<i>Tina McLean, et al. v. Bayer Corporation, et al.</i>	No. 3:13-cv-10285-DRH-PMF
<i>Connie Miller v. Bayer HealthCare Pharmaceuticals Inc., et al.</i>	No. 3:11-cv-12486-DRH-PMF
<i>Daiquirie Murley v. Bayer HealthCare Pharmaceuticals Inc., et al.</i>	No. 3:10-cv-13088-DRH-PMF
<i>Erica Nasto v. Bayer HealthCare Pharmaceuticals Inc., et al.</i>	No. 3:10-cv-12327-DRH-PMF
<i>Tracy Nelson v. Bayer HealthCare Pharmaceuticals Inc., et al.</i>	No. 3:13-cv-10309-DRH-PMF
<i>Rebecca M. Newell-Orwig v. Bayer Corporation, et al.</i>	No. 3:12-cv-10773-DRH-PMF
<i>Melissa O’Gara v. Bayer HealthCare Pharmaceuticals Inc., et al.</i>	No. 3:11-cv-11784-DRH-PMF
<i>Mary Biddle O’Neill v. Bayer Corporation, et al.</i>	No. 3:10-cv-10318-DRH-PMF
<i>Crista Pacetti v. Bayer Corporation, et al.</i>	No. 3:12-cv-11061-DRH-PMF
<i>Kimberly Peerson v. Bayer HealthCare Pharmaceuticals Inc., et al.</i>	No. 3:10-cv-13016-DRH-PMF
<i>Michelle Reid v. Bayer HealthCare Pharmaceuticals Inc., et al.</i>	No. 3:11-cv-12581-DRH-PMF

*Laura Robinson v. Bayer HealthCare
Pharmaceuticals Inc., et al.*

No. 3:10-cv-12956-DRH-PMF

*Brandi Rodgers v. Bayer HealthCare
Pharmaceuticals Inc., et al.*

No. 3:10-cv-11684-DRH-PMF

ORDER GRANTING MOTION TO DISMISS WITH PREJUDICE

HERNDON, District Judge:

On February 9, 2015, Bayer filed a motion to dismiss with prejudice, pursuant to Case Management Order 60 (“CMO 60”), the above captioned plaintiffs’ claims for failure to submit complete Claim Package Materials.¹

Pursuant to the Court’s local rules, the plaintiffs had 30 days to file a responsive pleading. None of the above captioned plaintiffs filed a responsive pleading. At the expiration of the responsive pleading deadline, as is required under CMO 60, the motion was considered by Special Master Stephen Saltzburg.² On March 18, 2015, Special Master’s Saltzburg’s report and recommendation relating to the above captioned cases was docketed. In each case, Special Master Saltzburg found that the subject plaintiffs failed to comply with the requirements of CMO 60 and recommended that the subject plaintiffs’ claims be dismissed with prejudice in accord with the requirements of CMO 60.

¹ Pursuant to the “Settlement Agreement,” Exhibit A to CMO 60, plaintiffs enrolled in the Gallbladder Resolution Program are required to submit to the Claims Administrator all the Claim Package Materials identified in Section 3.03(a) of the Settlement Agreement. Section 3.01 of the Settlement Agreement fixed November 18, 2013 as the deadline for submission of a complete Claims Package. The subject motion asserts that the plaintiffs have failed to comply with this requirement.

² Section VIII of CMO 60 “appoints Professor Stephen Saltzburg as Special Master to hear motions to dismiss claims that fail to comply with the terms of the Agreement, and to recommend to this Court rulings on such motions, as specified in the Agreement” (Doc. 2739 p. 8).

The parties were given 14 days to respond or object to Special Master Saltzburg's report and recommendation. The deadline for responding or objecting to the Special Master's report has expired. None of the above captioned plaintiffs have responded or objected.

Upon consideration of Bayer's motion to dismiss, the Special Master's report, and the requirements of CMO 60, the Court finds that the above captioned plaintiffs have failed to comply with CMO 60.

Accordingly, the claims of the above captioned plaintiffs are **DISMISSED WITH PREJUDICE**.

FURTHER, the Court directs the Clerk of the Court to enter judgment reflecting the same.

IT IS SO ORDERED.

Signed this 14th day of April, 2015.

 Digitally signed by
David R. Herndon
Date: 2015.04.14
16:18:43 -05'00'



United States District Court